

Appl. No. 09/673,133
Reply to Office Action of June 29, 2006

DEC 22 2006

Remarks/Arguments:

According to the Office Action, mailed June 29, 2006 (hereinafter, "Office Action"), claims 6 to 8, 12 and 14 are currently pending and under examination. In the Office Action, the Examiner made the following new arguments, objections and rejections:

- Claims 7, 8 and 14 were rejected under 35 USC § 112, Second Paragraph.
- Claim 14 was rejected under 35 USC § 101.

1. **Remarks:**

a. **Response is timely.**

A response to the Office Action was due on September 29, 2006. The applicants attach hereto a Petition For Extension Of Time Under 37 CFR 1.136(a) along with payment of the associated fee. With the three-month extension of time to respond to the Office Action, a response becomes due on December 29, 2006. This response was filed before this date and is therefore timely.

b. **Fees.**

The Applicants attach have authorized the Commissioner to charge Deposit Account No. 50-0244 in the amount of \$ 1020.00 as the fee for filing of a Petition For Extension Of Time Under 37 CFR 1.136(a) for three additional months to respond to the Office Action.

The applicants do not believe that any additional fees are due. However, please charge any additional fees required or credit any fees overpaid to Deposit Account No. 50-0244.

c. **Amendments to the Claims.**

Claim 14 was cancelled without prejudice or disclaimer.

Claim 7 was amended without prejudice or disclaimer and to further Applicants' business interests and the prosecution of the present application. The amendment to claim 7 is supported in the specification at page 6, line 27 to page 7, line 27.

Claim 8 was amended without prejudice or disclaimer and to further Applicants' business interests and the prosecution of the present application. The amendment to claim 8 is supported in the specification at page 7, line 28 to page 8, line 2.

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The amendments to the claims as discussed above do not add any new matter. Applicant reserves the right to prosecute any canceled or amended subject matter in a later application.

2. Arguments.

a. Rejection under 35 USC § 112, Second Paragraph - Claims 7 and 8.

The Examiner rejected claims 7 and 8 under 35 USC § 112, Second Paragraph, as reciting improper Markush claim language alleging that there is only one thing to select from.

The applicants amended claim 7 so that the "at least one active component" is said to be "selected from the group consisting of the recombinant Tbp2 proteins claimed in claim 6". As such, claim 7, as amended, recites proper Markush claim language in that there is more than one thing to select from.

The applicants amended claim 8 so that the "immunogenic composition" is said to be "selected from the group consisting of the immunogenic compositions claimed in claim 7". As such, claim 8, as amended, recites proper Markush claim language in that there is more than one thing to select from.

In view of these amendments to claims 7 and 8, the applicants respectfully request that this rejection be withdrawn.

b. Rejection under 35 USC § 112, Second Paragraph - Claim 14.

The Examiner rejected claim 14 under 35 USC § 112, Second Paragraph, as being indefinite alleging that the claim provides for the use of receptor protein, but, does not set forth any steps involved in the method/process, and, as a result, it is unclear what method/process applicants are intending to encompass.

As the applicants have cancelled claim 14, the rejection is moot. Accordingly, the applicants respectfully request that this rejection be withdrawn.

c. Rejection under 35 USC § 101 - Claim 14.

The Examiner rejected claim 14 under 35 USC § 101 alleging that the claimed recitation of use, without setting forth any steps involved in the process, results in an improper definition of a process.

As the applicants have cancelled claim 14, the rejection is moot. Accordingly, the applicants respectfully request that this rejection be withdrawn.

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3. Conclusions.

The amendments, remarks and arguments submitted herein are intended to be fully responsive to the outstanding Office Action, to advance the prosecution of the present invention, and to place the application in condition for allowance.

The applicants respectfully request consideration and entry of this paper. The applicants also respectfully request reconsideration of this application, as amended, and issuance of a timely Notice of Allowance in this case. Should the Examiner have any questions concerning this application, he/she is invited to contact the undersigned at (570) 839-5537.

Respectfully submitted,

Date: December 22, 2006

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